

03500.018190.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
TETSUYA SAITO ET AL. ) : Examiner: Not Yet Assigned  
Application No.: 10/559,705 ) : Art Unit: 2861  
Filed: October 11, 2006 ) : Confirmation No. 1862  
For: RECORDING APPARATUS AND )  
RECORDING METHOD :  
: August 3, 2007

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

In connection with the above-identified application, Applicant requests a refund of \$200.00 for an additional independent claim fee, which was charged to our Deposit Account 06-1205. It is requested that the refund be applied as a credit to that Deposit Account. The reason for the refund is explained below.

On October 11, 2006, Applicants responded to a Notification of Missing Requirements. At that time, Applicants paid for 20 total claims and 4 independent claims, and included an additional claims fee of \$200.00, as required by the Notification. A copy of the Electronic Patent Application Fee Transmittal is attached. Although the \$200.00 fee was paid as four (4) "claims in excess of 20", it should have been listed as one (1) "independent claim in excess of 3." Note the attached Transmittal Letter to the United States Designated/Elected Office.

The Patent Office's Monthly Statement of Deposit Account, dated December 2006 (copy attached), indicates that Deposit Account No. 06-1205 was charged the fee of \$200.00 for an additional independent claims fee. Applicants respectfully request a refund of \$200.00 for this fee. That is, although Applicants did owe \$200.00 for the one extra independent claim, they should have been credited \$200.00 for the fees erroneously paid for extra total claims.

Accordingly, Applicants hereby request a refund and authorize the Commissioner to credit Deposit Account No. 06-1205 in the amount of \$200.00 to correct this matter.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Mark A. Williamson/

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Mark A. Williamson  
Attorney for Applicants  
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCHS\_WS 624492v1

## Electronic Patent Application Fee Transmittal

| <b>Application Number:</b>                              | 10559705                                 |                 |               |                             |
|---|--|-----------------|---------------|-----------------------------|
| <b>Filing Date:</b>                                     |  |                 |               |                             |
| <b>Title of Invention:</b>                              | Recording apparatus and recording method |                 |               |                             |
| <b>First Named Inventor:</b>                            | Tetsuya Saito                            |                 |               |                             |
| <b>Filer:</b>   | Lawrence A. Stahl/Anna Massimo           |                 |               |                             |
| <b>Attorney Docket Number:</b>                          | 03500.018190                             |                 |               |                             |
| Filed as Large Entity                                   |  |                 |               |                             |
| <b>U.S. National Stage under 35 USC 371 Filing Fees</b> |  |                 |               |                             |
| <b>Description</b>                                      | <b>Fee Code</b>                          | <b>Quantity</b> | <b>Amount</b> | <b>Sub-Total in USD(\$)</b> |
| <b>Basic Filing:</b>                                    |  |                 |               |                             |
| Natl Stage Search Fee - Report provided                 | 1642                                     | 1               | 400           | 400                         |
| National Stage Exam - all other cases                   | 1633                                     | 1               | 200           | 200                         |
| <b>Pages:</b>   |  |                 |               |                             |
| Claims in excess of 20                                  | 1615                                     | 4               | 50            | 200                         |
| <b>Miscellaneous-Filing:</b>                            |  |                 |               |                             |
| Oath/decl > 30 months from priority date                | 1617                                     | 1               | 130           | 130                         |
| <b>Petition:</b>  |  |                 |               |                             |

| Description                              | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|--|----------|----------|--------|----------------------|
| <b>Patent-Appeals-and-Interference:</b>  |          |          |        |                      |
| <b>Post-Allowance-and-Post-Issuance:</b> |          |          |        |                      |
| <b>Extension-of-Time:</b>                |          |          |        |                      |
| <b>Miscellaneous:</b>                    |          |          |        |                      |
| <b>Total in USD (\$)</b>                 |          |          |        | <b>930</b>           |

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTN: U.S. DOCKET NUMBER 03500.018190

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

|  |  |  |
|--|--|--|
| INTERNATIONAL APPLICATION NO.<br>PCT/JP2004/008493 | INTERNATIONAL FILING DATE<br>June 10, 2004 | PRIORITY DATE CLAIMED<br>June 12, 2003 |
|--|--|--|

**TITLE OF INVENTION**

RECORDING APPARATUS AND RECORDING METHOD

**APPLICANT(S) FOR DO/EO/US**

Tetsuya SAITO, et al.

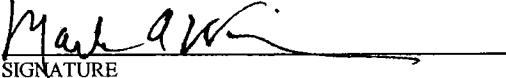
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern other document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20.  Other items or information:

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

| U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)  |              | INTERNATIONAL APPLICATION NO.   |  | ATTORNEY'S DOCKET NUMBER     |              |
|---|--------------|---|--|------------------------------|--------------|
| The following fees are submitted:   |              |   |  | CALCULATIONS                 | PTO USE ONLY |
| 21. <input checked="" type="checkbox"/> Basic national fee .....  |              |   |  | \$300                        | \$ 300.00    |
| 22. <input checked="" type="checkbox"/> Examination fee<br>If International preliminary examination report prepared by USPTO and all claims satisfy provision of PCT Article 33(1)-(4) .....  |              |   |  | \$100                        | \$ 200.00    |
| All other situations .....  |              |   |  | \$200                        |              |
| 23. <input checked="" type="checkbox"/> Search fee<br>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....   |              |   |  | \$100                        |              |
| International Search Report prepared and provided to the Office .....   |              |   |  | \$400                        |              |
| All other situations .....  |              |   |  | \$500                        | \$ 400.00    |
| <b>TOTAL OF 21, 22 and 23 =</b>   |              |   |  | \$ 900.00                    |              |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium).<br>The fee is \$250 for each additional 50 sheets of paper or fraction thereof. |              |   |  |                              |              |
| Total Sheets  | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) |  | RATE                         |              |
| 60- 100 =   | 0/50 =       |   |  | x \$250.00                   |              |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).   |              |   |  | \$                           |              |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  |  | RATE                         |              |
| Total Claims  | 19-20 =      | 0   |  | x \$ 50                      | \$           |
| Independent Claims  | 4- 3 =       | 1   |  | x \$200                      | \$ 200.00    |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   |  | + \$360                      | \$           |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |  | \$1100.00                    |              |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.  |              |   |  | \$                           |              |
|   |              |   |  | <b>SUBTOTAL =</b>            | \$           |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).  |              |   |  | +                            | \$           |
|   |              |   |  | <b>TOTAL NATIONAL FEE =</b>  | \$1100.00    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property   |              |   |  | +                            | \$           |
|   |              |   |  | <b>TOTAL FEES ENCLOSED =</b> | \$1100.00    |
|   |              |   |  | Amount to be refunded:       | \$           |
|   |              |   |  | Amount to be charged:        | \$           |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.  |              |   |  |                              |              |
| b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.   |              |   |  |                              |              |
| c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.  |              |   |  |                              |              |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.                  |              |   |  |                              |              |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.  |              |   |  |                              |              |
| SEND ALL CORRESPONDENCE TO:<br>Fitzpatrick, Cella, Harper & Scinto<br>30 Rockefeller Plaza<br>New York, NY 10112-3800   |              |   |  |                              |              |
| <br>SIGNATURE<br><u>Mark A. Williamson</u><br>NAME<br><u>33,628</u><br>REGISTRATION NUMBER  |              |   |  |                              |              |



**United States  
Patent and  
Trademark Office**

**Deposit Account Statement**

**Requested Statement Month:** December 2006

**Deposit Account Number:** 061205

**Name:** FITZPATRICK CELLA HARPER & SCINTO

**Attention:**

**Address:** 30 ROCKEFELLER PLAZA

**City:** NEW YORK

**State:** NY

**Zip:** 10112-3801

**Country:** UNITED STATES

| DATE SEQ   | POSTING REF    | ATTORNEY DOCKET NBR       | FEE CODE | AMT        | BAL         |
|------------|----------------|---------------------------|----------|------------|-------------|
| 12/01 5    | 10574776       | 00005.001292              | 9204     | -\$360.00  | \$73,909.88 |
| 12/01 205  | 11276434       | 03086.000003              | 8021     | \$40.00    | \$73,869.88 |
| 12/01 207  | 11276453       | 03086.000009              | 8021     | \$40.00    | \$73,829.88 |
| 12/01 210  | 11276473       | 03086.000004              | 8021     | \$40.00    | \$73,789.88 |
| 12/01 216  | 60823630       | 03086.000010.PV           | 8021     | \$40.00    | \$73,749.88 |
| 12/01 25   | 60863320       | 03292.102500              | 1807     | -\$50.00   | \$73,799.88 |
| 12/01 26   | 60863320       | 03292.102500.PV           | 1052     | \$50.00    | \$73,749.88 |
| 12/01 11   | PCT/US06/38492 | 03226.001010.51           | 9204     | -\$12.00   | \$73,761.88 |
| 12/01 1    | 10920550       | 03161.001433.             | 1202     | \$250.00   | \$73,511.88 |
| 12/01 2    | 10920550       | 03161.001433.             | 1201     | \$200.00   | \$73,311.88 |
| 12/01 3970 | 11289706       | 00005.001229.1            | 1253     | \$1,020.00 | \$72,291.88 |
| 12/01 3971 | 11289706       | 00005.001229.1            | 1801     | \$790.00   | \$71,501.88 |
| 12/01 3972 | 11289706       | 00005.001229.1            | 1808     | \$130.00   | \$71,371.88 |
| 12/01 4089 | 10356860       | 4-600-7110F/N1N1/D1D1D1/R | 1251     | \$120.00   | \$71,251.88 |
| 12/01 2150 | 1406885        | 02467.008023              | 7205     | \$100.00   | \$71,151.88 |
| 12/01 2151 | 1406885        | 02467.008023              | 7201     | \$400.00   | \$70,751.88 |
| 12/01 2152 | 1406885        | 02467.008023              | 7206     | \$100.00   | \$70,651.88 |
| 12/01 2153 | 1406885        | 02467.008023              | 7203     | \$100.00   | \$70,551.88 |
| 12/04 184  | 11523186       | 03292.102210.             | 1051     | \$130.00   | \$70,421.88 |
| 12/04 234  | 10333322       | 00766.000069              | 1814     | \$130.00   | \$70,291.88 |
| 12/04 235  | 10333322       | 00766.000069              | 1253     | \$1,020.00 | \$69,271.88 |
| 12/04 236  | 10333322       | 00766.000069              | 1401     | \$500.00   | \$68,771.88 |
| 12/04 97   | 11523186       | 03292.102210              | 8021     | \$40.00    | \$68,731.88 |
| 12/04 1586 | 11239931       | 03260.000003              | 1806     | \$180.00   | \$68,551.88 |
| 12/04 1    | 11336812       | 01445.002045              | 1814     | \$130.00   | \$68,421.88 |
| 12/04 2    | 11433690       | 03500.125960.             | 1806     | \$180.00   | \$68,241.88 |
| 12/04 3    | 7058196        | 03560.002349              | 1811     | \$100.00   | \$68,141.88 |
| 12/04 1607 | 76607561       | 02479.008010              | 7003     | \$100.00   | \$68,041.88 |
| 12/04 3    | 10552989       | 00684.109158              | 9204     | -\$100.00  | \$68,141.88 |
| 12/04 1    | 11239931       | 03260.000003              | 2202     | \$175.00   | \$67,966.88 |

|                          |                             |      |             |             |
|--------------------------|-----------------------------|------|-------------|-------------|
| 12/04 1683 1075001       | 01397.000136                | 7205 | \$100.00    | \$67,866.88 |
| 12/04 1684 1075001       | 01397.000136                | 7201 | \$400.00    | \$67,466.88 |
| 12/05 68 2366522         | 01397.008274                | 7205 | \$100.00    | \$67,366.88 |
| 12/05 69 2366522         | 01397.008274                | 7206 | \$100.00    | \$67,266.88 |
| 12/05 5 10991429         | 01741.002065                | 9204 | -\$65.00    | \$67,331.88 |
| 12/05 1796 76540933      | 01953.008010                | 7004 | \$300.00    | \$67,031.88 |
| 12/05 2836 10862456      | 03129.000100.2              | 1253 | \$1,020.00  | \$66,011.88 |
| 12/05 4 10532720         | 03500.017759                | 1806 | \$180.00    | \$65,831.88 |
| 12/05 271 11319099       | 03500.119674                | 1251 | \$120.00    | \$65,711.88 |
| 12/05 272 11319099       | 03500.119674                | 1202 | \$200.00    | \$65,511.88 |
| 12/05 273 11319099       | 03500.119674                | 1806 | \$180.00    | \$65,331.88 |
| 12/06 156 10656129       | 02213.000300                | 8021 | \$120.00    | \$65,211.88 |
| 12/06 4 6569916          | 02584.000800                | 9204 | -\$450.00   | \$65,661.88 |
| 12/06 2 10878001         | 03500.015986.1              | 1814 | \$130.00    | \$65,531.88 |
| 12/06 17 09597146        | 862.C1941                   | 1251 | \$120.00    | \$65,411.88 |
| 12/06 103 PCT/US06/45950 | 03127.000900                | 1704 | \$188.00    | \$65,223.88 |
| 12/06 2566 10951683      | 02603.000002.1              | 1201 | \$400.00    | \$64,823.88 |
| 12/06 259 6751852        | 01762.007500                | 8013 | \$25.00     | \$64,798.88 |
| 12/06 1836 78348641      | 01790.000830.               | 7004 | \$150.00    | \$64,648.88 |
| 12/06 2740 10773469      | 03161.001376                | 1501 | \$1,400.00  | \$63,248.88 |
| 12/06 2742 10773469      | 03161.001376                | 8001 | \$15.00     | \$63,233.88 |
| 12/06 2741 10773469      | 03161.001376                | 1505 | \$300.00    | \$62,933.88 |
| 12/06 2763 10709815      | 70655.5300                  | 1501 | \$1,400.00  | \$61,533.88 |
| 12/06 2764 10709815      | 70655.5300                  | 1505 | \$300.00    | \$61,233.88 |
| 12/06 2765 10709815      | 70655.5300                  | 8001 | \$15.00     | \$61,218.88 |
| 12/06 2778 10099509      | 40655.4500                  | 1501 | \$1,400.00  | \$59,818.88 |
| 12/06 2779 10099509      | 40655.4500                  | 1505 | \$300.00    | \$59,518.88 |
| 12/06 2780 10099509      | 40655.4500                  | 8001 | \$15.00     | \$59,503.88 |
| 12/07 210 09983841       | 860.25                      | 1201 | \$200.00    | \$59,303.88 |
| 12/07 2050 10824892      | 03161.116303                | 1806 | \$180.00    | \$59,123.88 |
| 12/07 13 10557413        | 03500.102525                | 9204 | -\$1,450.00 | \$60,573.88 |
| 12/07 32 6568829         | 00952.001361                | 2551 | \$450.00    | \$60,123.88 |
| 12/07 126 11022951       | 02964.113577                | 8021 | \$40.00     | \$60,083.88 |
| 12/07 5 11117873         | 03161.001616.               | 1201 | \$400.00    | \$59,683.88 |
| 12/08 525 29224898       | 02650.002900                | 1502 | \$800.00    | \$58,883.88 |
| 12/08 526 29224898       | 02650.002900                | 8001 | \$15.00     | \$58,868.88 |
| 12/08 45 6579396         | 01573.000800.1              | 2551 | \$450.00    | \$58,418.88 |
| 12/08 993 09749728       | 766.43                      | 1454 | \$1,370.00  | \$57,048.88 |
| 12/08 994 09749728       | 766.43                      | 1251 | \$120.00    | \$56,928.88 |
| 12/08 2 10559705         | 03500.018190                | 1614 | \$200.00    | \$56,728.88 |
| 12/08 3749 10506891      | 00005.001244                | 1455 | \$200.00    | \$56,528.88 |
| 12/11 1576 10707309      | 60655.3200 - 03292.101680.1 | 1251 | \$120.00    | \$56,408.88 |
| 12/11 2 11141383         | 03500.016536.1              | 1201 | \$200.00    | \$56,208.88 |
| 12/11 4 10863500         | 01272.020675.               | 1201 | \$200.00    | \$56,008.88 |
| 12/11 2946 10656129      | 02213.000300.1              | 1814 | \$130.00    | \$55,878.88 |
| 12/11 3221 11570355      | 00005.001308                | 1631 | \$300.00    | \$55,578.88 |
| 12/11 3223 11570355      | 00005.001308                | 1633 | \$200.00    | \$55,378.88 |
| 12/11 3225 11570355      | 00005.001308                | 1616 | \$360.00    | \$55,018.88 |
| 12/11 3224 11570355      | 00005.001308                | 1614 | \$400.00    | \$54,618.88 |
| 12/11 3222 11570355      | 00005.001308                | 1642 | \$400.00    | \$54,218.88 |
| 12/11 622 11570355       | 00005.001308                | 8021 | \$40.00     | \$54,178.88 |